

Application No.: 10/561,770
Petition Dated: June 21, 2010
Reply to Office Action of: March 25, 2010

MAT-8802US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 10/561,770
Applicants: Kazuya OMORI et al.
Filed: December 21, 2005
Title: CENTRIFUGAL FAN AND APPARATUS USING THE SAME
T.C./A.U.: 3745
Examiner: Richard A. Edgar
Confirmation No.: 9828
Docket No.: MAT-8802US

**PETITION UNDER 37 CFR 1.181 FOR WITHDRAWAL
OF FIRST ACTION FINAL REJECTION**

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This application received a First Action Final Rejection. Applicants respectfully submit that the First Action Final Rejection is improper. The Director is being requested to withdraw the First Action Final Rejection for the reasons set forth below.

History:

1. On December 29, 2009, the USPTO issued a Final Rejection in the above identified application. Regarding claim 1, the only pending independent claim in the application, that Final Rejection included three separate rejection statements:

- a) Rejection under 35 USC 112;
- b) Rejection under 35 USC 103(a) based on Applicants' admitted prior art in view of Chou (US 5,169,290) and any one of JP 7-4388, JP 11-294386. and JP 2001-32794;

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c) Rejection under 35 USC 103(a) based on JP 2002-168194 in view of US 5,169,290.

2. On March 18, 2010, Applicants filed a Preliminary Amendment and an RCE.

3. On March 25, 2010, the USPTO issued a First Action Final Rejection. Regarding claim 1, in that First Action Final Rejection, the following rejection statements appeared:

Rejection under 35 USC 103(a) based on Applicants' admitted prior art in view of Chou (US 5,169,290) and JP2001-32794.

Thus, as a result of Applicants' Amendment filed on March 18, 2010, the first rejection was dropped, the second rejection was changed, and the third rejection was dropped.

As ALL of the grounds of rejection are now different the First Action Final Rejection is improper. Withdrawal of the First Action Final Rejection is respectfully requested.

Respectfully submitted,

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Dated: June 21, 2010

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